

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

JOSHI TECHNOLOGIES INTERNATIONAL, INC.,

Plaintiff,

vs.

CIV 15-0467 KG/CG

CHI ENERGY, INC.,

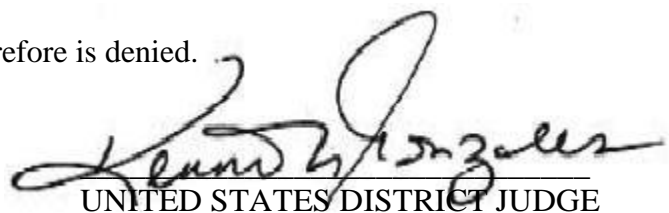
Defendant.

ORDER DENYING SUMMARY JUDGMENT

THIS MATTER comes on for consideration of Defendant Chi Energy, Inc.'s Opposed Motion for Summary Judgment and Memorandum in Support Therefore filed May 10, 2016, and the corresponding appendix. (Docs. 32 and 33). Plaintiff Joshi Technologies International, Inc. filed a response on June 7, 2016. (Doc. 35). Chi filed a reply and a list of objections on June 21, 2016. (Docs. 36 and 37). Completion of briefing was noted on June 23, 2016. (Doc. 38).

Chi seeks summary judgment on its counterclaims for declaratory judgment, breach of contract, and money had and received, as well as on Joshi's claims of breach of contract, fraud in the inducement, and unjust enrichment. (Doc. 32). The Court has considered the parties' submissions in accordance with FED. R. CIV. P. 56(a) and the standards set forth in *Celotex v. Catrett*, 477 U.S. 317 (1986), and *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242 (1986), as well as the arguments of counsel at a hearing on August 10, 2017. Because genuine issues of material fact exist at this time, as stated on the record at the hearing, a trial will be required.

IT IS, THEREFORE, ORDERED that Defendant's Opposed Motion for Summary Judgment and Memorandum in Support Therefore is denied.



UNITED STATES DISTRICT JUDGE